

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Bradbury et al.

GROUP: Unknown

SERIAL NO: 09/856,907

EXAMINER: Unknown

FILED: May 29, 2001

FOR: METHODS FOR THE PREPARATION OF NUCLEIC ACID  
AND POLYPEPTIDE LIBRARIES AND USES THEREOFMail Stop Petitions  
Commissioner of Patents  
Alexandria, VA 22313-1450

RECEIVED

FEB 03 2006

OFFICE OF PETITIONS

Sir:

LETTER

The Applicants received notification of a defective response date mailed on March 11, 2004. On April 12, 2004, the Applicants filed a response along with a copy of the Notification of Defective Response, a paper copy of the sequence listing, a computer readable disk format of the sequence list and a Statement.

The next communication that the Applicants received from the United States Patent and Trademark Office was a Notification of Abandonment, dated mailed on November 14, 2005. The Applicants never received any informational communication saying that the sequence disk sent in on April 12, 2004 had errors in it. The Applicants' Attorney called the United States Patent and Trademark Office at the time of receipt of the Notification of Abandonment and was told that there must have been a miscommunication as the error report attached to the Notice of Abandonment includes a hand written note of "re-run", which indicated that the report was run twice. However, when the Patent Office personnel checked the data base, it did not show that the Applicants were ever made aware that the sequence disk contained errors.

**BEST AVAILABLE COPY**

Thus, enclosed herewith is a new corrected sequence listing, including both a disk and a paper copy. Also enclosed herewith is a Statement that the sequence listing does not include any new matter beyond the contents of the International Application as filed and that the information recorded on the computer readable disk is identical to the written sequence listing.

Thus, the Applicants respectfully request that the abandonment be withdrawn.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Arlene J. Powers', is written over a horizontal line.

Arlene J. Powers  
Registration No. 35,985  
Gauthier & Connors LLP  
225 Franklin Street, Suite 2300  
Boston, Massachusetts 02110  
Telephone: (617) 426-9180  
Extension: 110

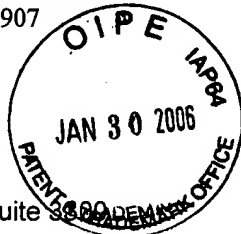


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/856,907	Andrew Raymon Morton Bradbury	6278

Arlen J Powers  
 225 Franklin Street Suite 300  
 Boston, MA 02110



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NOV 17 2005

GAUTHIER &amp; CONNORS LLP

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FEB 03 2006

INTERNATIONAL APPLICATION NO.

PCT/EP99/08856

I.A. FILING DATE

11/18/1999

PRIORITY DATE

11/19/1998

CONFIRMATION NO. 6402

371.  
 ABANDONMENT/TERMINATION  
 LETTER



\*OC000000017426430\*

Date Mailed: 11/14/2005

OFFICE OF PETITIONS  
 NOTIFICATION OF ABANDONMENT

DOCKETED

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicants time limit has expired. Sequence diskette sent 15 April 04 has errors see attached report.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

KAYA L LEWIS BALTIMORE

Telephone: (703) 308-9140 EXT 202

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

# RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/856,907A

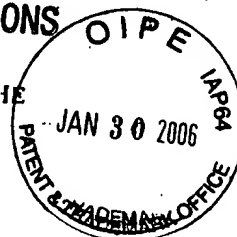
Source: STIC

Date Processed by STIC: 5/6/04

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THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENT IN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 703-308-4212; FAX: 703-308-4221

Effective 12/13/03: TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.1 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkr41note.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail. Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom. Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/efb/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry directly to (EFFECTIVE 12/03/03):  
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 10/08/03



RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/856,907A

DATE: 05/06/2004

TIME: 15:49:07

Input Set : A:\PTO.PG.txt

Output Set : N:\CRF4\05052004\856907A.raw

RECEIVED

FEB 03 2006

OFFICE OF PETITIONS

3 <110> APPLICANT: Bradbury, Andrew  
 4 Sblattero, Daniele  
 6 <120> TITLE OF INVENTION: METHODS FOR THE PREPARATION OF NUCLEIC ACID AND POLYMER  
 LIBRARIES AND  
 7 USES THEREOF  
 8 <130> FILE REFERENCE: 6278  
 10 <140> CURRENT APPLICATION NUMBER: US 09/856,907A  
 11 <141> CURRENT FILING DATE: 2001-05-29  
 13 <160> NUMBER OF SEQ ID NOS: 14  
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 65 accattaggc agccgctact gttgaaagt gtttagcaaa acctcatata gaaaattcat  
 67 ttactaacgt ctggaaagac gacaaaact tagatcgta cgtactat gagggctgc

Does Not Comply  
 Corrected Diskette Needed  
 (pg. 15)

*please explain*

Sequence 1-15000

PATENT APPLICATION: 08/09/2004 007A

Input Seq: A: \PTO-FO.txt

Output Seq: N: \CRF4\05062004\050607A.txt

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37	agaataatag	gttcggaat	aggcaggggtg	cattaactgt	ttatacgggc	actgttactc	540
39	aaggcactga	ooccggttaa	acttattacc	agtacactcc	tgatcatca	aaagccatgc	600
41	atgacgctta	ctggaacgg	aaattcagag	actgcgctta	tcattctgga	tttaattgagg	660
43	atccattcgt	ttgtgaatat	caaggcoaat	cgtctgacct	gcctcaacct	cctgtcaatg	720
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47	gcggttctga	gggtggcggc	tcctgaggggtg	gcggttcggg	tggtggcgtcc	gggttcgggtg	840
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53	ctgctatoga	tggtttcatt	ggtagcgttt	cgggccttgc	taatggtaat	ggtagctactg	1020
55	gtgatttttg	tggctcta	tcctcaaatg	ctcaagtcgg	tgacgggtat	aatccacott	1080
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61	tcctgggtgt	ctttgcgttt	cttttatatg	tgccacott	tatgtatgta	ttttcgacgt	1260
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67	cgttacccaa	cttaatcgcc	ttgcagcaca	tcctcctttc	gccagctggc	gtaatacgga	1440
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91	gcgccttgac	gggtctgtct	gtcctcggca	tcgccttaca	gacaagctgt	gaccgtctcc	2160
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RAW SEQUENCE: 1856907A  
 PATENT APPLICATION: US/1856907A  
 DATE: 05/06/2004  
 TIME: 15:49:17

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 Output Set: 1856907A

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 250 <223> OTHER INFORMATION: His Tag  
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 255 His His His His His His  
 256 1 5  
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RAW SEQUENCE LISTING

SEQUENCE ABSTRACT

SEQUENCE ABSTRACT

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Output: Seq: N:\GRR4\05062004\1856907A.txt

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 331 cgctggattg ttattactcg cagcaaggg cgcgcatgcc

39

41

47

40

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SOURCE: JEFFREY

DATE: 05/05/2004

APPLICATION: 03/03/2004

Input Set: A (ETO) VCL

Output Set: N (CRF4) 10566200 A 10566200A raw

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336 <212> TYPE: DNA

337 <213> ORGANISM: Artificial

339 <220> FEATURE:

340 <221> NAME/KEY: Primer

341 <222> LOCATION: (1)..(39)

342 <223> OTHER INFORMATION: VLbackPT2

345 <400> SEQUENCE: 10

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354 <220> FEATURE:

355 <221> NAME/KEY: Primer

356 <222> LOCATION: (1)..(38)

357 <223> OTHER INFORMATION: VHforPT1

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367 <213> ORGANISM: Artificial

369 <220> FEATURE:

370 <221> NAME/KEY: Primer

371 <222> LOCATION: (1)..(40)

372 <223> OTHER INFORMATION: VHforPT2

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402 <223> OTHER INFORMATION: VHbackPTL

405 <400> SEQUENCE: 14

39

38

40

57

~~LAW SEQUENCING SYSTEM - PURCHASED~~ DATE: 05/06/2008  
~~PATENT APPLICATION ON~~ OR 9057856-907 TIME: 15:19:08

```
Input Set = /mnt/fg/1000
Output Set = /mnt/fg/0500-2000/18569075.saw
```

Invalid Line Length:

The rules require that a line not exceed 72 characters in length. This includes spaces

Seq#: 1; Line(s): 6

**Invalid <213> Response:**

Use of "Artificial" only as "<213> Organism" response is incomplete,  
per 1.823(b) of New Sequence Rule. Valid response is Artificial Sequence.

Seq#:1,2,3,4,5,6,7,8,9,10,11,12,13,14

WEAK POINT SUMMARY

PATENT APPLICATION: 05/05/856-907A

Input Set: APT0-703-26

Output Set: NYACRF4105062004\1856907A.rtf

L:23 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:1  
L:40 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:2  
L:45 M:258 W: Mandatory Feature missing, <223> Blank for SEQ#:2, Line#:42  
L:57 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:3  
L:248 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:4  
L:265 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:5  
L:280 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:6  
L:295 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:7  
L:310 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:8  
L:325 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:9  
L:340 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:10  
L:355 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:11  
L:370 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:12  
L:385 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:13  
L:400 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:14

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